

HOUSE BILL 860

L2, C8

0lr0569

By: **Montgomery County Delegation**

Introduced and read first time: February 10, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Tenant Credit Check Restriction Act**

3 **MC 4–10**

4 FOR the purpose of ~~prohibiting~~ authorizing the owner or landlord of rental housing
5 ~~from conducting~~ to conduct a credit check of a tenant applicant who qualifies for
6 a certain monthly housing assistance payment from the Housing Opportunities
7 Commission of Montgomery County under certain circumstances; prohibiting an
8 owner or landlord of rental housing from rejecting a tenant applicant on certain
9 grounds; defining a certain term; and generally relating to tenant credit checks
10 in Montgomery County.

11 BY repealing and reenacting, without amendments,
12 Article – Housing and Community Development
13 Section 16–101(a), (d), and (e) and 16–108
14 Annotated Code of Maryland
15 (2006 Volume and 2009 Supplement)

16 BY adding to
17 Article – Housing and Community Development
18 Section 16–501 and 16–502 to be under the new subtitle “Subtitle 5. Housing
19 Choice Voucher Program”
20 Annotated Code of Maryland
21 (2006 Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Housing and Community Development**

4 16–101.

5 (a) In this title the following words have the meanings indicated.

6 (d) “Montgomery Commission” means the Housing Opportunities
7 Commission of Montgomery County.

8 (e) “Person of eligible income” means an individual or family that qualifies
9 under § 16–108 of this subtitle.

10 16–108.

11 (a) An individual or family qualifies as a person of eligible income if the
12 individual or family lacks enough income or assets without financial assistance to live
13 in decent, safe, and sanitary housing without overcrowding.

14 (b) (1) The County Executive, or the County Executive’s designee, shall
15 determine whether an individual or family qualifies as a person of eligible income.

16 (2) For elderly individuals, individuals with disabilities, and other
17 individuals or families with special needs, the County Executive or the County
18 Executive’s designee may adjust the requirements for qualifying as a person of eligible
19 income if the County Executive or designee considers that other standards are more
20 appropriate to achieve the public purposes stated in this subtitle.

21 (3) A determination made under this subsection is conclusive of the
22 matters determined.

23 (c) (1) The County Executive may change the definition of “person of
24 eligible income” by issuing a proposed regulation.

25 (2) The regulation shall take effect only after a public hearing held in
26 accordance with procedures established by the County Council.

27 **SUBTITLE 5. HOUSING CHOICE VOUCHER PROGRAM.**

28 **16–501.**

29 **IN THIS SUBTITLE, “PROGRAM” MEANS THE FEDERAL HOUSING CHOICE**
30 **VOUCHER PROGRAM, SECTION 8 OF THE U.S. HOUSING ACT OF 1937.**

31 **16–502.**

1 IF A TENANT APPLICANT FOR RENTAL HOUSING IS A PERSON OF ELIGIBLE
2 INCOME WHO QUALIFIES UNDER THE PROGRAM FOR A 100% MONTHLY
3 HOUSING ASSISTANCE PAYMENT FROM THE MONTGOMERY COMMISSION, THE
4 OWNER OR LANDLORD OF THE RENTAL HOUSING ~~MAY NOT~~ HOUSING:

5 (1) MAY CONDUCT A CREDIT CHECK OF THE TENANT APPLICANT;
6 BUT

7 (2) MAY NOT REJECT THE APPLICANT ON THE BASIS OF
8 INADEQUATE INCOME OR ON OTHER FACTORS RELATED TO THE APPLICANT'S
9 ABILITY TO PAY THE RENT.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.